

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

TRUSTEES OF THE PLUMBERS AND)
PIPEFITTERS NATIONAL)
PENSION FUND)

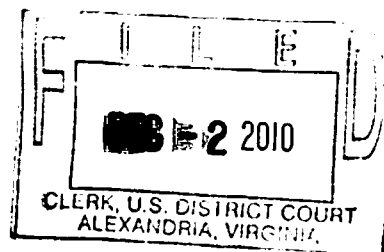
Plaintiffs,)

v.)

WINCHESTER MECHANICAL)
SERVICE CO.)

Defendant.)

1:10cv581 (LMB/TRJ)



ORDER

On November 9, 2010, a magistrate judge issued a Report and Recommendation ("Report") recommending that the proposed default judgment tendered by the plaintiffs, which calls for a total judgment of \$3,304.44, including attorneys' fees and litigation costs, be entered in favor of the plaintiffs against the defendant. The Report included a Notice that any objections must be filed within fourteen days and that failure to file timely objections waived appellate review of any judgment based on the Report. As of December 1, 2010, no objections have been filed.

Having reviewed the Report, the case file, plaintiffs' Motion for Default Judgment, and all attachments, we find that the Report correctly concludes that service was properly made on the defendant and that this court has federal question subject matter jurisdiction over this litigation because it is brought under the Employee Retirement Income Security Act ("ERISA") 29

U.S.C. §§ 1132 and 1145 and 29 U.S.C. § 185(a). The Report also correctly finds that personal jurisdiction over the defendant is established through defendant's purposeful contact with the multi-employer benefit fund, which is administered in Alexandria, Virginia. We adopt all the findings of the Report and conclude for the reasons detailed in the Report that the defendant is in default and that the plaintiffs have established by a preponderance of the evidence the damages and expenses recommended in the Report.


For all these reasons, it is hereby

ORDERED that plaintiffs' Motion for Default Judgment be and is GRANTED and the plaintiffs' proposed Judgment Order will be entered.

The Clerk is directed to enter judgment, consistent with the Judgment Order, in the plaintiffs' favor pursuant to Fed. R. Civ. P. 55, and to forward a copy of this Order and the Judgment Order to counsel of record for plaintiffs and to defendant at the address listed in the case file.

Entered this 2ND day of December, 2010.

Alexandria, Virginia



Leonie M. Brinkema
United States District Judge